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101ST CONGRESS
1st Session

SENATE

REPORT
101-28

3p
AMENDING THE FEDERAL ELECTION CAMPAIGN ACT OF
1971 TO REPEAL A PROVISION ALLOWING USE OF
EXCESS CONTRIBUTIONS

MAY 18 (legislative day, JANUARY 3), 1989.—Ordered to be printed

Mr. FORD, from the Committee on Rules and Administration,
submitted the following

REPORT

[To accompany S. 326]

The Committee on Rules and Administration, having considered S. 326, a bill to amend the Federal Election Campaign Act of 1971 to repeal a provision allowing personal use of excess campaign contributions, reports favorably thereon and recommends that the bill as amended do pass.

BACKGROUND AND PURPOSE

The purpose of this legislation is to amend section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) to eliminate the exception that permits any individual who was a Senator, or Representative in, or Delegate or Resident Commissioner to, the Congress of January 8, 1980 to convert campaign funds to his or her personal use. Members would be permitted to continue to use campaign funds to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office, to make contributions to any organization described in section 501(c) of title 26, or for any other lawful purpose, including transfers without limitation to any national, State, or local committee of any political party.

Although Rule XXVIII of the Standing Rules of Senate prohibits the conversion of a campaign contribution to the personal use of any Member or former Member, it would not apply to the estate of a deceased Member. Also, the effectiveness of such a rule with regard to a former Member is open to some question, especially

with regard to the issue of enforcement in the event of a violation. These problems and limitations of the prohibition by rule of the Senate would be resolved by the adoption of this amendment to the Federal Election Campaign Act of 1971.

COMMITTEE ACTION

On May 17, 1989, the Committee on Rules and Administration held a markup session on S. 326. After discussion, S. 326 was passed, unanimously, by a record vote and was ordered reported favorably by the Committee.

COMMITTEE ROLLCALL VOTE

In compliance with paragraph 7 (b) and (c) of rule XXVI of the Standing Rules of the Senate, the record of the rollcall vote in the Committee on Rules and Administration during its consideration of S. 326 to report it favorably was:

YEAS—9

Mr. Inouye
Mr. DeConcini
Mr. Dodd
Mr. Adams
Mr. Stevens
Mr. Hatfield
Mr. McClure
Mr. Garn
Mr. Ford

NAYS—2

Mr. Helms
Mr. McConnell

The Chairman presented proxy votes of Mr. Moynihan and Mr. Gore, in favor of the bill, and Mr. Stevens presented a proxy vote for Mr. Dole, in favor of the bill.

COST ESTIMATE

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the committee does not consider that enactment of S. 326 would entail any cost to the Federal government.

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee does not consider that enactment of S. 326, as amended, would have any regulatory impact.

CHANGES IN EXISTING LAW

yes to 326
In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported by the Committee on Rules and Administration, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 2, UNITED STATES CODE

* * * * *

§ 439a. Use of contributed amounts for certain purposes

Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, and any other amounts contributed to an individual for the purpose of supporting his or her activities as a holder of Federal office, may be used by such candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office, may be contributed to any organization described in section 501(c) of title 26, or may be used for any other lawful purpose, including transfers without limitation to any national, State, or local committee of any political party; except that [with respect to any individual who is not a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress on January 8, 1980,] no such amounts may be converted by any person to any personal use, other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office.

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